

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

JOSE REYNALDO AVALOS (1)

§
§
§
§
§

CASE NO.: 3:17-CR-00362-N

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

JOSE REYNALDO AVALOS (1), by consent, under authority of *United States v. Dees*, 125 F.3d 261 (5th Cir. 1997), has appeared before me pursuant to Fed. R. Crim.P. 11, and has entered a plea of guilty to Count(s) 1-5 of the Indictment After cautioning and examining JOSE REYNALDO AVALOS (1) under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary and that the offense(s) charged are supported by an independent basis in fact containing each of the essential elements of such offense. I therefore recommend that the plea of guilty be accepted, and that JOSE REYNALDO AVALOS (1) be adjudged guilty of 26§5841, 5861(d), and 5871 Possession of a Short-Barrel Shotgun Not Registered to him in the National Firearms Registration and Transfer Record, 21§841(a)(1) and (b)(1)(C) Possession With Intent to Distribute a Controlled Substance, 18§924(c)(1)(A) Possession of a Firearm in Furtherance of a Drug Trafficking Crime, 18§922(g)(1) and 924(a)(2) Felon in Possession of a Firearm and 21§841(a)(1) and (b)(1)(C) Possession with Intent to Distribute a Controlled Substance and have sentence imposed accordingly. After being found guilty of the offense by the district judge,

- ☒ The defendant is currently in custody and should be ordered to remain in custody.
- ☐ The defendant must be ordered detained pursuant to 18 U.S.C. § 3143(a)(1) unless the Court finds by clear and convincing evidence that the defendant is not likely to flee or pose a danger to any other person or the community if released.
- ☐ The Government does not oppose release.
- ☐ The defendant has been compliant with the current conditions of release.
- ☐ I find by clear and convincing evidence that the defendant is not likely to flee or pose a danger to any other person or the community if released and should therefore be released under § 3142(b) or (c).
- ☐ The Government opposes release.
- ☐ The defendant has not been compliant with the conditions of release.
- ☐ If the Court accepts this recommendation, this matter should be set for hearing upon motion of the Government.
- ☐ The defendant must be ordered detained pursuant to 18 U.S.C. § 3143(a)(2) unless (1)(a) the Court finds there is a substantial likelihood that a motion for acquittal or new trial will be granted, or (b) the Government has recommended that no sentence of imprisonment be imposed, or (c) exceptional circumstances are clearly shown under § 3145(c) why the defendant should not be detained, and (2) the Court finds by clear and convincing evidence that the defendant is not likely to flee or pose a danger to any other person or the community if released.

Date: October 10, 2017


UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).